

Grilly, J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

SELECTIVE DISTRIBUTION INTERNATIONAL
INC., DIAMOND GROUP, INC., J&H COSMETICS,
LTD., and HELENE SCHMELTZER and GERALD
SCHMELTZER, individually and doing business as
J&S MERCHANDISING and JERRYBOY57,

Defendants.

SELECTIVE DISTRIBUTION INTERNATIONAL,
INC.,

Third-Party Plaintiff,

v.

DIAMOND GROUP INC.,

Third-Party Defendant/
Third-Party Plaintiff,

v.

J & H COSMETICS, LTD.,

Third-Party Defendant.

**USDC SDNY
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07 Civ. 10326 (PAC) (MHD)

**order*
**STIPULATION OF VOLUNTARY DISMISSAL
OF DEFENDANT DIAMOND GROUP, INC.
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

WHEREAS, on November 14, 2007, Plaintiff Zino Davidoff SA ("Plaintiff") filed a Complaint against Defendant Selective Distribution International, Inc. ("Selective") in the above-captioned action (the "Action");

WHEREAS, on December 7, 2007, Selective filed an Answer to the Complaint;

WHEREAS, on May 8, 2008, Plaintiff filed an Amended Complaint against Selective and additional defendants Diamond Group Inc. ("Diamond Group") and J&H Cosmetics, Ltd., and Helene Schmeltzer and Gerald Schmeltzer, individually and doing business as J&S Merchandising and Jerryboy57;

WHEREAS, on June 17, 2008, Diamond Group filed an Answer to the Amended Complaint, asserting crossclaims against J&H Cosmetics, Ltd. and Helene and Gerald Schmeltzer;

WHEREAS, on July 21, 2009, Plaintiff and Diamond Group fully executed a confidential Settlement Agreement disposing of all the claims between them;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties and their respective counsel that the above-captioned action is voluntarily dismissed, without prejudice, against defendant Diamond Group only, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

IT IS FURTHER HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that for the purpose of this Stipulation, facsimile and/or electronic signatures are acceptable and permitted and shall be considered original and authentic.

Dated: New York, New York
May 5, 2010

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*Attorneys for Defendant Diamond
Group Inc.*

SO ORDERED: **11 0 NOV 2010**



U.S.D.J.

